

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

KAREN DAVISON,

Plaintiff,

v.

PLANO INDEPENDENT  
SCHOOL DISTRICT,

Defendant.

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Case No. 4:07-CV-274

**ORDER OF DISMISSAL WITHOUT PREJUDICE**

On June 4, 2007, the Plaintiff filed the instant action against the Plano Independent School District. The Plaintiff is seeking actual damages and exemplary damages for violations of Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1983. On August 3, 2007, the Defendant filed a motion to dismiss. The Plaintiff subsequently filed a response in opposition to the Defendant's motion to dismiss as well as a request for leave to amend her complaint. On March 12, 2008, the court granted the Defendant's motion to dismiss with respect to the Plaintiff's claim for punitive damages. Additionally, the court granted the Plaintiff's request for leave to amend her complaint. In so doing, the court ordered the Plaintiff to file her First Amended Original Complaint within forty-five (45) days of the entry of its order. The court ordered the Plaintiff to redact that portion of the complaint which sought exemplary damages. The court cautioned the Plaintiff that the failure by the Plaintiff to comply with its orders would result in the dismissal of this lawsuit without prejudice.

Thereafter, on April 16, 2008, the court again cautioned the Plaintiff as follows:

Regardless of whether the Plaintiff secures new counsel, the Plaintiff must file her First Amended Original Complaint in accordance with the instructions of the court by April 28, 2008. Otherwise, the Plaintiff's lawsuit will be dismissed without prejudice.

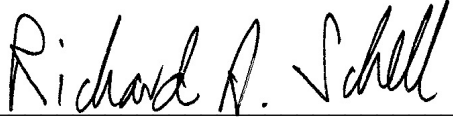
On April 28, 2008, the Plaintiff filed her First Amended Original Complaint. The Plaintiff, however, failed to comply with the orders of this court. The Plaintiff is still seeking to recover exemplary damages.

A district court may *sua sponte* dismiss a lawsuit for failure to prosecute if the plaintiff fails to comply with the trial court's orders. *Beard v. Experian Information Solutions Inc.*, 214 Fed.Appx. 459, 461-62 (5th Cir. 2007), citing *Connolly v. Papachristid Shipping Ltd.*, 504 F.2d 917, 920 (5th Cir. 1974); FED. R. CIV. P. 41(b). "Pro se litigants are not exempt from compliance with the rules of procedure." *Id.* at 462 (citation omitted).

Here, the Plaintiff was cautioned that failure to comply with the orders of the court would result in the dismissal of her lawsuit without prejudice. Since the Plaintiff failed to file an appropriate amended pleading in accordance with the court's March 12, 2008 and April 16, 2008 orders, it is hereby **ORDERED** that this case is **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

**SIGNED this the 2nd day of May, 2008.**

  
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RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE